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SUBJECT: ETHIOPIA SENTENCES DERGUE LEADERS TO LIFE IMPRISONMENT

11. SUMMARY: Ethiopia's 12-year trial of former Dergue officials concluded on December 12, 2006, with the conviction of dictator Mengistu Hailemariam and 56 other members of his Communist regime on charges of genocide and murder. A single defendant was acquitted. During their 17-year reign, the Dergue killed an estimated 50,000 dissident students, political opponents, and members of the Ethiopian middle class. The convicted defendants included only about half of those senior officials accused of crimes against humanity; 27 officials, including Mengistu, were tried in absentia; and 14 have died since the start of the trial in 1994. On January 11, the Federal High Court sentenced defendants to terms ranging from 23 years to life imprisonment. More than 6,000 other individuals face similar charges; half must be tried in absentia, as they are living in exile abroad. END SUMMARY.

NEARLY 6,000 OTHERS AWAIT TRIAL

12. The Dergue officials faced charges relating to alleged atrocities committed during the 1977-78 "Red Terror," when tens of thousands were killed or disappeared as former Communist dictator Mengistu Hailemariam sought to turn Ethiopia into a Soviet-style workers' paradise. Their trial began in 1994, following (according to the prosecutor) three years of evidence-gathering. During the 12-year trial, the Federal High Court heard testimony from 730 witnesses and reviewed more than 3,000 documents placed into evidence.

13. Ethiopia's courts have convicted 1,018 people since 1994 for participating in the "Red Terror". Between 5,000-6,000 lower-ranking ex-soldiers and communist militants face similar charges, in a series of slow-running and often delayed trials in which verdicts are sporadically announced. More than 3,000 of them will have to be tried in absentia (like Mengistu), as they reside abroad in exile. Several attempts by the Ethiopian government to extradite Mengistu Hailemariam from Zimbabwe have failed.

14. The Dergue had sought to right the wrongs committed by "feudal predecessors" but committed atrocities, murdering thousands over 17 years, including Emperor Haile Selassie, said to have been strangled in bed and secretly buried under a latrine in his palace. Other victims of the Dergue include the Emperor's 60 most senior officials, ministers and members of the royal family killed by firing squad, and Ethiopian Orthodox Church Patriarch Abuna Tewoflos.

LIFE IMPRISONMENT, NOT DEATH, FOR MENGISTU

¶5. On January 11, 2007, the Federal High Court announced sentences for Dergue officials found guilty of genocide crimes on December 12, 2006 by a three-judge panel. High-ranking military officials received sentences of life imprisonment, including: Colonel Mengistu Hailemariam (in absentia), Captain Fikreselassie Wegderes, Major Fisseha Desta, Colonel Kassahun Tafesse, Major Birhanu Bayeh, Captain Legesse Asfaw, Major Haddis Tedla, Colonel Endale Tessema, and Major Gesesse Wolde-Kidan. Others received 23 years of "rigorous imprisonment." The court also upheld death sentences announced earlier by a different court for four defendants: Eshetu Alemu, Getachew Tekeba, Kebede Ali and Kebede Kibret.

¶6. Only 33 of 73 defendants appeared in court; the others were tried in absentia. Defendants did not show any emotion when sentences were announced.

¶7. Chief Judge Medhin Kiros dissented, stating that at least the nine most senior defendants (all top officials of the former military regime) should receive the death penalty. Kiros had argued that members of the Dergue military junta had "conspired to destroy a political group and kill people with impunity." He said many points presented by defendants in their defense did not constitute extenuating circumstances, and that they never showed remorse for crimes committed. Kiros said it was unfair that a different court had sentenced more junior officials to death, while the top officials who gave the instructions for killings were spared.

¶8. Arguing that the twelve most senior defendants were responsible for the deaths of 1,114 people and other crimes, the prosecutor had sought the death penalty for all of them. However, the court ruled that the death sentence could only be imposed in the absence of extenuating circumstances, and rejected the prosecutor's argument. Following the sentencing, the chief prosecutor said he may appeal.

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Family members of victims were dissatisfied by what they characterized as lenient sentences, and said they would appeal.

¶9. Of those convicted on December 12, some 34 were in custody (the remainder were tried in absentia): Captain Fikreselassie Wegderes, Colonel Fisseha Desta, Colonel Kassahun Tafesse, Captain Legesse Asfaw, Lt. Colonel Endale Tessema, Captain Gessesse Woldekidan, General Wubshet Dessie, Major Kassaye Aragaw, Lieutenant Colonel Debela Dinsa, Captain Begashaw Atalay, Lieutenant Seleshi Mengesha, Major Melaku Tefera, Lieutenant Colonel Nadew Zekarias, Lieutenant Petros Gebre, Lieutenant Argaw Yimer, Captain Girma Admasu, Lieutenant Abera Aga, Major Dejene Wondimagegnehu, Lieutenant Tegegnetwork Tesfa, Demissie Kassaye, Colonel Mekuria Haile, Lieutenant Kebede Abegaz, Colonel Abate Mersha, Lieutenant Haile Gebeyehu, Corporal Begashaw Gurmesa, Colonel Belai Bitew, Colonel Ashebir Amare, Lieutenant Tamirat Faye, Lieutenant Desalegne Belai, Lieutenant Nigussie Wolde, Lieutenant Manmekitot Wondimagegne, Lieutenant Girma Burka and Lieutenant Aklilu Belayneh.

A SINGLE DEFENDANT ACQUITTED

¶10. The court accepted the exculpatory evidence presented by Corporal Begashaw Gurmessa and acquitted him of all charges. He had been in prison for the last twelve years. A member of the Dergue, Begashaw had served as an administrator in various provinces from 1974 to 1977, but had protested against unlawful acts of the regime before being dismissed for insubordination.

COMMENT: IMPETUS FOR EXTRADITION?

¶11. COMMENT: There has been little popular reaction to the sentence, reflecting general indifference except among families of those who perished during the Communist Dergue regime's 1974-1991 rule. Mengistu and his closest officials had been expected to receive the death penalty, rather than imprisonment. Many Ethiopians consider these crimes as part of a dark past that is best forgotten. Initially due to end in 2004, the 12-year-long genocide

trial suffered from numerous logistical delays as the government was determined to conduct a fair trial, setting it apart from the regime it replaced. END COMMENT.

YAMAMOTO